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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,466	08/23/2006	Timo Ali-Vehmas	879A.0072.U1(US)	9717
29683 7590 06/30/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER NGUYEN, PHUNG HOANG JOSEPH	
			ART UNIT 2614	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,466	Applicant(s) ALI-VEHMAS, TIMO	
	Examiner PHUNG-HOANG J. NGUYEN	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/28/2009 has been entered.

Current standing of the application:

Claims amended: 15 and 27-29.

Claims pending: 1-31 with claims 1, 15, 27 and 30 being independent.

Claims/Specifications Objection

The specification is objected to as failing to provide proper antecedent basis for the claimed subject. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Claim 30 recites "a storage medium" however since the specification does not provide proper antecedent basis for the claimed subject matter. Correction is required. Failure to make correction will lead to 35 USC 112, 1st paragraph for (un)enablement and/or 2nd paragraph for indefiniteness.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 15, 27 and 30 recite "drawing up a summons to a meeting in a **standardized form**". What is "a standardized form"? Is there such "a standardized form"? With the dynamic pace of constantly changing technology, will this form be relevant in 10 years from now? Is it an email form, a meeting maker form, voice mail form, SMS messaging form, a verbal form or a non-verbal form (such as a sign)? Any of the mentioned forms can determine at least the start time as disclosed in the paragraph 0024 of the instant application.

All dependent claims inherit this deficiency. Clarification/Correction is required. Failure to make correction will result in 35 USC 112, 1st paragraph for (un)enablement in the future.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As to claim 30, although the preambles of the claims are directed to a system for establishing a conference call, the system comprises various "means for," all of these "means" could be describing software modules. Software is not patentable subject matter, per se, MPEP 2106.01 (I). Correction is required.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7-9, 13-16, 18-21, 24, 27 and 29-30 are rejected under 35 USC 102(b) as being anticipated by Kleier (US Pub 2002/0009990):

As to claims 1, 15, 24, 27 and 30, Kleier teaches a method comprising:
arranging a conference call between three or more participants using a mobile terminal operating in a wireless network in which method a group of participants of the conference call is formed (*fig. 8 and 10*) wherein the mobile terminal of the convener of the conference call performs

- drawing up a summons to a meeting in a standardized form (*an invitation, fig. 7 and 9*)
- sending the summons to the meeting from the mobile terminal to all members of the group of participants (*fig. 9 shows the invitation is sent to each user in D2 WAP Group call*), and
- receiving calls coming from the participants in the mobile terminal and joining them to the conference call automatically (*i.e., The mobile radio network 2 sends invitations (according to FIG. 7) (by mobile radio) to the participants 3, 4, 5, 6 of the group of mobile radio subscribers which are stored in the list for which list participant 1 has requested a telephone conference. If subscribers 3-6 of the list accept the invitation (or without invitation and automatically), they are*

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connected to the telephone conference circuit by the mobile radio network 2, pars. 0032-35).

Keiler further teaches the memory is included in the mobile terminal (the telephone number stored in the telephone book of his mobile terminal, [0005]).

As to claim 2, Kleier teaches the summons to the meeting is drawn up before the group of participants is formed. *(Before or during the setting-up of the connection, an enquiry is preferably placed with participants whether the invitation to the conference connection is accepted, par. 0007. This indicates that the invitation is formed and the group is also regardless the order of being formed).*

As to claims 3, 16 and 31, Kleier teaches the group of participants is formed by selecting the participants from a list saved in a memory of a mobile terminal and/or by manually inputting the contact information of the participants *(i.e., the participants 3, 4, 5, 6 of the group of mobile radio subscribers which are stored in the list for which list participant 1 has requested a telephone conference, par. 0032; Or the list can be stored in the mobile radio network, in the mobile terminal or in a SIM card, par. 0028).*

the contact information comprising at least one of telephone numbers, e-mail addresses *(par. 0034)*, and Session Initiation Protocol addresses.

As to claim 4, Kleier teaches a method that the group of participants is given a name and the formed group is saved in a memory of the mobile terminal for later use *(In the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile*

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terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball".

The name for a menu can be selected arbitrarily by the user of the mobile terminal, par. 0025).

As to claims 7 and 19, Kleier teaches a method that the summons to the meeting is formed as a character string composed of ASCII characters (*see figs. 7 and 9, the characters used are the ASCII*).

As to claims 8 and 20, Kleier teaches that the summons to the meeting is sent to the participants as a text message (*i.e., transmits a message (for example SMS PtP short message or WAP Deck/WAP Card) to the participants in the list for this group, par. 0006*).

As to claims 9 and 21, Kleier teaches that the summons to the meeting is sent to the participants as an e-mail message (*the invited participants can be checked via various telecommunication identities, especially telephone numbers, e-mail addresses etc., par. 0034*).

As to claims 13-14, Kleier teaches the convener of the conference call is given a notification by means of the mobile terminal when a new participant has been joined to the conference call. Furthermore, the notification is given with an acoustic signal or a recorded voice message (*par. 0030*).

As to claim 18, Kleier teaches the memory wherein the actions further comprise starting the application from a menu of the mobile terminal (*In the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is*

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displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal. If item 4 in FIG. 1 is selected (for example by pressing key 4 on the mobile terminal), the menu according to FIG. 2 is displayed, par. 0025).

As to claim 29, Kleier teaches a mobile terminal configured to start the application from a menu of the mobile terminal (*fig. 1 and pars. 0024-0026*).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 10-12, 17, 22-23, 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier (US Pub 2002/0009990) in view of Wu (Pat 6,275,575).**

As to claims 10 and 22, Kleier does not specifically that in connection with drawing up the summons to the meeting, a connection is opened to a calendar application in the mobile terminal and a reservation of time is made in the calendar application.

Wu teaches the meeting is setup in conjunction with calendar 432 (*fig. 4B*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of setting a calendar as a guide of date and time for the call so that the convener can quickly form the summons.

As to claim 11, Kleier does not specifically teach that the summons to the meeting is saved in a memory of the mobile terminal for later use.

Wu teaches the similar manner (*fig. 8 shows step 810 forwarding the invitation, then the invitation being saved. Upon completion of processing, a determination is made at 810 as to whether the coordinator wishes to forward the invitations to the selected participants. If the coordinator decides in the affirmative then the invitations are forwarded at 812. At 814 a determination is made as to whether the generated telephone conference profile information should be saved. At 816 telephone conference profile information to be saved is provided with an identifier and the process is concluded, col. 10, lines 19-26*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of utilizing the memory feature in a mobile device where it can save literally any activities once used for the future use.

As to claims 12 and 25, Kleier teaches the names of the group of participants are saved in the memory of the mobile terminal (*fig. 1*). Kleier does not specifically teach the duration of the conference call.

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Wu teaches that “*screen display 510 provides descriptive information, the proposed primary and secondary start times and the conference's estimated duration, fig. 5B and col. 9, lines 52-54*”.

As to claims 17 and 28, Kleier teaches the actions further comprise starting the application (*the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal, par. 0025*).

Kleier does not specifically teach “a starting icon produced on a display of a mobile terminal”. Wu teaches the icons on the display (*see figs. 4A-C*) for the purpose of promptly providing a visually interactive choice for the participants.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of maximizing the most use of every feature available for the mobile user.

9. Claims 5-6 and 23 - 24 are rejected under 35 U.S.C. 103(a) as being obvious over Kleier (US Pub 2002/0009990).

As to claims 5-6, Kleier teaches a method that the time of the conference call and other information concerning the conference call is given in the summons to the meeting (*see figs. 7 and 9, showing name of the participant, the*

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conference number with options of “reject” or “accept”. It is also obvious that time and all the associated information is part of the invitation).

It is also obvious that agenda is always an element of the summons in order for participants to prepare for the meeting.

As to claim 23 and 26, Kleier does not specifically teach an application that it also comprises: means for separating the received summons to the meeting from other messages that have arrived; and means for giving a notification to the convener of the conference call when a new participant has been joined to the conference call.

It is, however, obvious to the ordinarily skilled artisans to believe that all messages coming in will be delivered to different folders or having different icons or having different forms of notification based on the header information. It is to let the receivers, whether in a conference call or not, know the differences and to response appropriately. Furthermore, conference call is created in a controlled environment where only certain members of a specific group (i.e., friends, beer, basketball, see fig. 1) are called to the conference. Most will come on time. Few will come late. It is so obvious that when new participant joins, in a very usual situation, a notification (i.e., acoustic sound) would indicate to the convener (if not all) that some one new is just join the call.

Therefore, it would have been obvious to one of ordinary skill in the art at the time to believe in a most logical way to believe that Kleier's system and method

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would be very capable of separating the received summons to the meeting from other

messages that have arrived; and of giving a notification to the convener of the conference call when a new participant has been joined to the conference call.

Response to Arguments

Applicant's arguments with respect to claims 1-31 have been considered but are not persuasive to put the application in the condition for allowance.

Quoting from the previous Response to Argument (bold):

Gathering from the applicant's argument, independent claim 1 (similar subject matter to other independent claims 15, 27 and 30) is quoted below:

A method comprising:

arranging a conference call between three or more participants using a mobile terminal operating in a wireless network in which method a group of participants of the conference call is formed, wherein the mobile terminal of the convener of the conference call performs

- drawing up a summons to a meeting in a standardized form,**
- sending a summons to a meeting from the mobile terminal to all members of the group of participants, and**
- receiving calls coming from the participants in the mobile terminal and joining them to the conference call automatically.**

Applicant determines that:

Claim 1 clearly recites that the mobile terminal both draws up and sends the summons to all members of the group of participants. Since the summons is drawn up in the mobile terminal, the convener of the conference call may influence the content of the summons with the given initial information. The summons of the meeting can also be saved in the memory of the mobile terminal for later use (see claim 11). All other independent claims distinguish over Kleier for similar subject matter. Therefore, independent claims 1, 15, 27, and 30 and their dependent claims are seen to be novel in light of Kleier.

To support the applicant's determination, applicant provided the quote from the prior art:

Paragraph 35 of Kleier states:

Fig. 10 diagrammatically shows the sequence for initiating the setting-up of individual connections by the individual terminals of the participants in the list. Mobile terminal 1 requests the telephone conference per mobile radio by means of a telephone conference initialization 16 (by mobile radio). A server 7 at the mobile radio network (2) end then sends invitations 8, 9, 10 to the mobile terminals of the participants 3, 4, 5 of the list for the requested telephone conference. The mobile radio subscriber stations 3,4,5 set up a connection (11, 12, 13, 14) to the telephone conference, if their user wishes to participate in the telephone conference 9 by pressing a key etc.), due to the fact that they dial a (virtual) telephone number transmitted with the invitation (according to FIG. 9) and are connected to a telephone conference. This is done via a bridge 8 via which the participants 1, 3, 4, 5 participating in the telephone conference are connected.

and concludes that:

The mobile radio network of Kleier has to be provided with a server and suitable software for drawing up and sending the invitations (Kleier, par. [35], Fig. 10). In contrast, the claimed invention has the summons to the conference call drawn up in the mobile terminal of the convener of the conference call.

Examiner agrees (again) with the applicant's assessment of Kleier's position. However, examiner still holds firm that applicant has not adequately described the distinctiveness of the claimed subject matter requiring no intervention from the network to set up a conference. Nor has the applicant described in a way that the claimed feature leaves room for no other interpretation but the indented one.

Examiner believes that the claimed subject matter, not the specification, is the measure of invention. Disclosure contained in the specification can not be read into the claims for the purpose of avoiding the prior art (In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687, 1986).

In other word, the features upon which applicant relies are not recited in the rejected claim (s). Although the claims are interpreted in light

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of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

INQUIRY

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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